

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 57
AGENDA DATE: Thu 03/02/2006
PAGE: 1 of 1**

SUBJECT: NPA-05-0022.001 - Greater South River City Neighborhood Plan, Tract 35 - Approve second/third readings of an ordinance to amend Ordinance No. 20050929-Z001 (Greater South River City Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for the property located at 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). Council may approve a land use designation change to office, commercial or mixed use. At first reading on December 1, 2005, Council approved a Commercial land use designation for Tract 35. Vote: 4-2 (Mayor Wynn and Council Member Leffingwell – nay; Council Member McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

PLAN AMENDMENT CASE NUMBER: NPA-05-0022.001

South River City Neighborhood Plan Amendment

REQUEST:

Approve second/third readings of an ordinance amending the adopted Greater South River City Neighborhood Plan to change the land use designation on the future land use map for property located at 0 South Interstate Highway 35 (Tract 35) from Office to a Commercial use designation.

DEPARTMENT COMMENTS:

There is an associated rezoning case (C14-05-0139.002) accompanying this plan amendment requesting a change in zoning from GR to GR-CO-NP.

On September 29, 2005, the City Council approved the South River City Neighborhood Plan and associated rezonings with the exception of several contested cases, including Tract 35. These cases were postponed to a later date for consideration.

The staff has received two valid petitions for Tract 35 – one from the property owner and another from the neighborhood. The property owner's petition is opposed to any base zoning district classification other than GR, GR with a CS footprint, or the staff recommendation (or what was approved on 1st reading) of GR-CO-NP.

The neighborhood's petition is opposed to any classification other than GO or GR-CO. The conditional overlay includes a number of prohibited uses, requirements for vegetative buffers, and limits access on Woodland Avenue.

Because the petitions are worded so specifically as to the zoning classification and conditions, the only action Council may take that would not trigger a super majority vote (6 out of 7) is to keep the base zoning as it is and to add a Neighborhood Plan Combining District.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Adam Smith & Sherri Sirwaitis)

DATE OF FIRST READING: December 1, 2005 Tract 35: GR-CO-NP prohibiting Automotive Sales and Automotive Washing and Commercial land use designation (Vote 4-2; Wynn, Leffingwell – No, McCracken – off the dais)

December 15, 2005 – Postponed Tract 35 to January 12, 2006 (Vote: 7-0)

January 12, 2006 – Postponed to March 2, 2006 at the request of staff and the property owner
(Vote: 6-0, Thomas – off the dais)

CITY COUNCIL DATE: March 2, 2006

CITY COUNCIL ACTION:

NEIGHBORHOOD PLANNER: Adam Smith

PHONE: 974-7685

adam.smith@ci.austin.tx.us

ZONING CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20050929-Z001, WHICH ADOPTED THE GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE A LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 0 SOUTH INTERSTATE HIGHWAY 35.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 20050929-Z001 adopted the Greater South River City Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

PART 2. Ordinance No. 20050929-Z001 is amended to change an office use designation to commercial use on the future land use map attached as Exhibit "A" and incorporated in this ordinance, and described in Case NPA-05-0022.001 at the Neighborhood Planning and Zoning Department, for property located at 0 South Interstate Highway 35 (ABS 24 Del Valle S Acr 2.31).

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

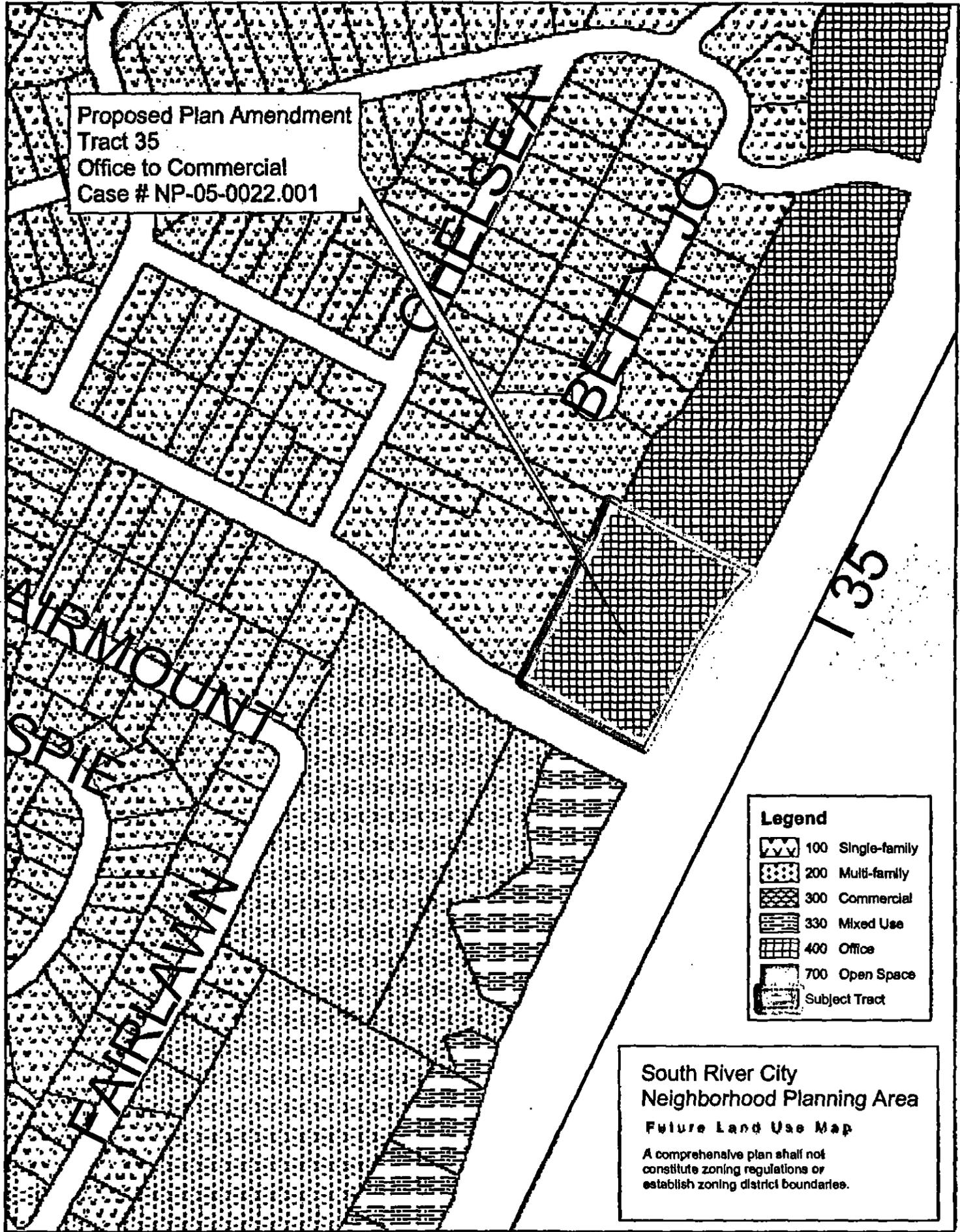
§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

Proposed Plan Amendment
Tract 35
Office to Commercial
Case # NP-05-0022.001



Legend	
	100 Single-family
	200 Multi-family
	300 Commercial
	330 Mixed Use
	400 Office
	700 Open Space
	Subject Tract

South River City
Neighborhood Planning Area
Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

PETITION

Case Number:

C14-05-0139

Date:

Dec. 15, 2005

S INTERSTATE HY 35

Total Area within 200' of subject tract: (sq. ft.)

98,814.67

1	<u>03-0305-0105</u>	<u>WOODLAND I-35 L P</u>	<u>98,814.67</u>	<u>100.00%</u>
2				<u>0.00%</u>
3				<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

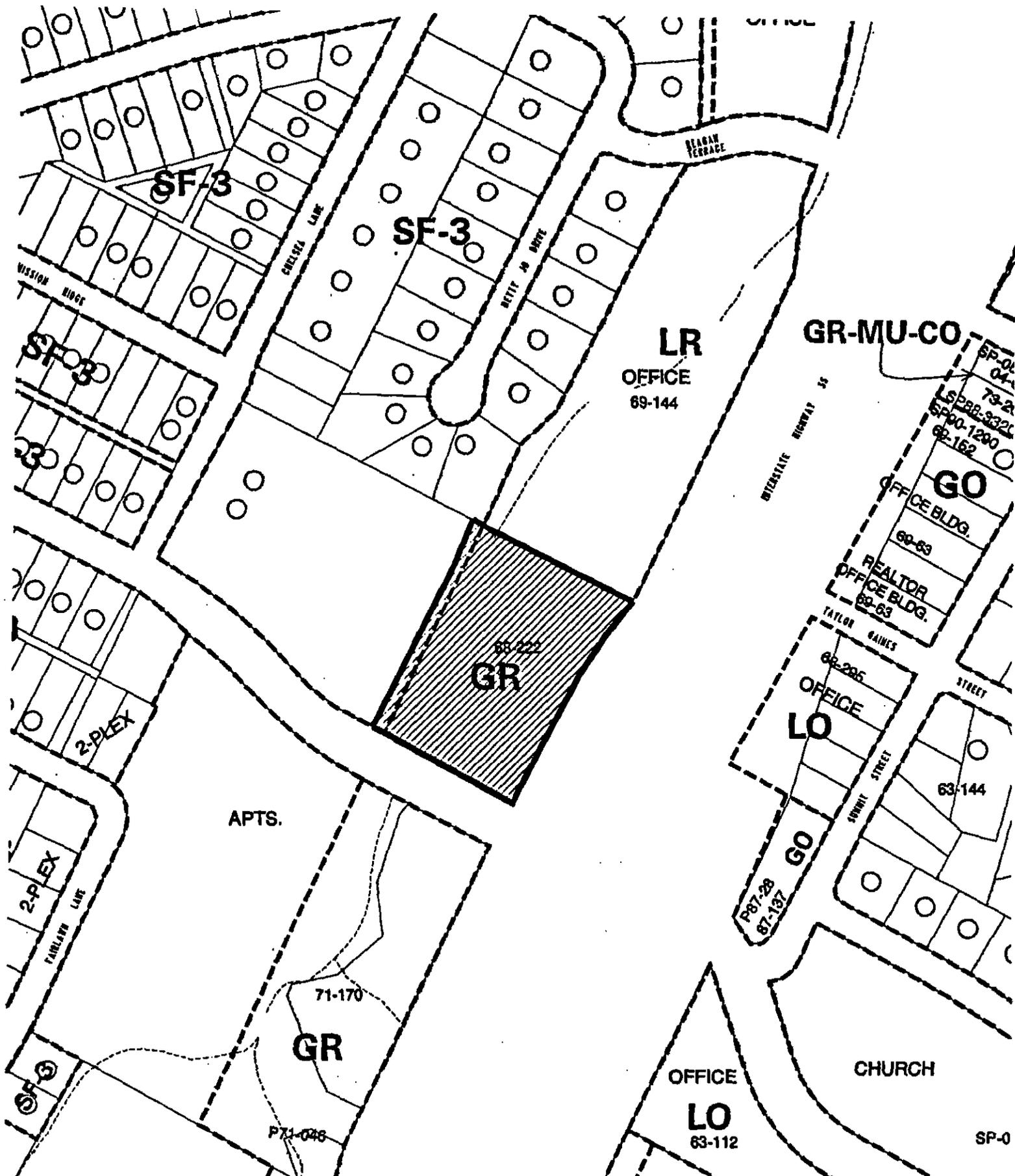
Stacy Meeks

Total Area of Petitioner:

98,814.67

Total %

100.00%



	SUBJECT TRACT		PETITIONS CASE #: C14-05-0139 ADDRESS: 0 IH 35 SOUTH SUBJECT AREA (acres): N/A	DATE: 05-12 INTLS: SM	CITY GRID REFERENCE NUMBER 'H19-20 & J19 -21
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S. SERWAITIS				

PETITION

Case Number: **C14-05-0139** Date: Dec. 15, 2005

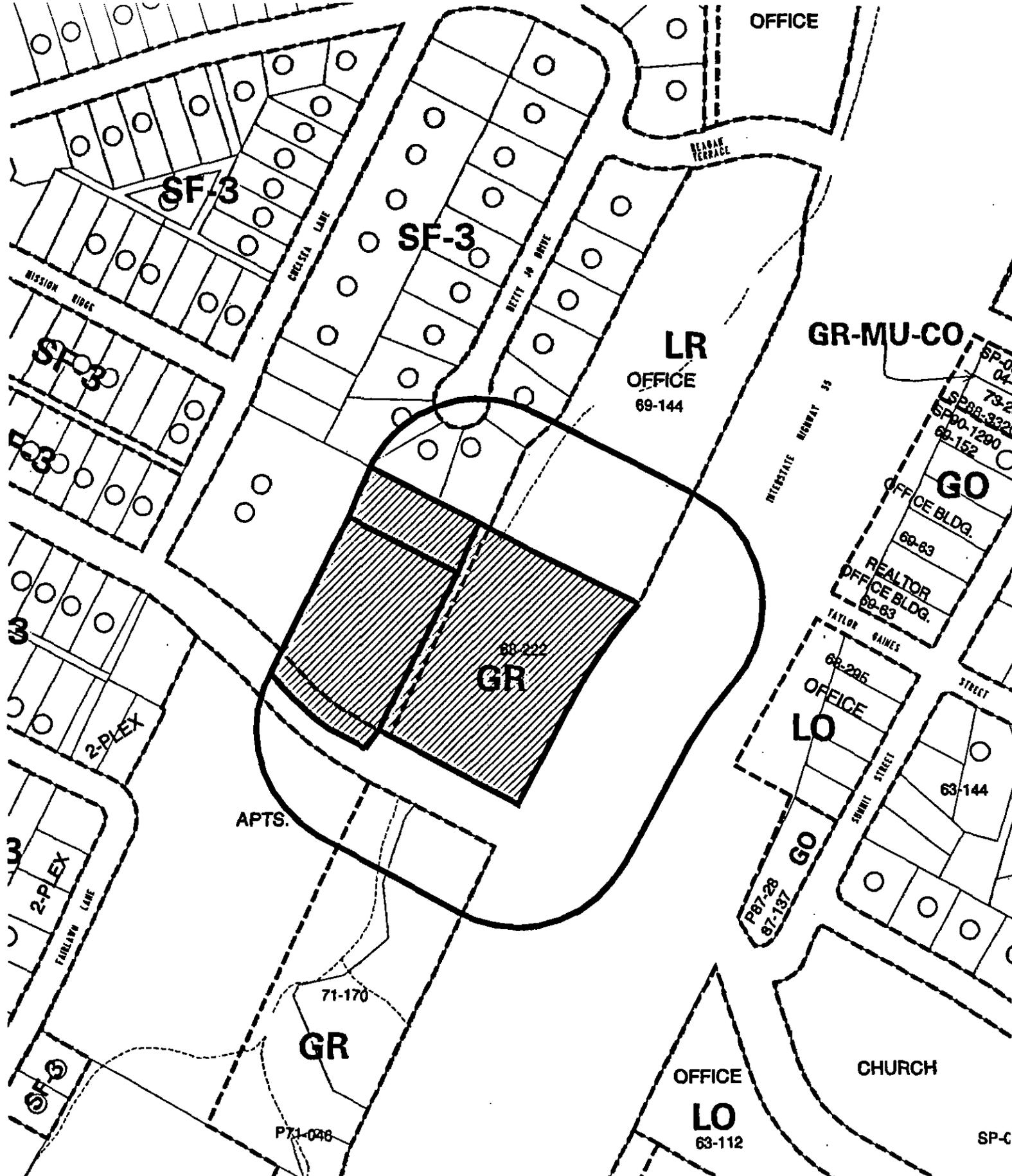
**0 INTERSTATE 35 SOUTH
TRACT 35**

Total Area within 200' of subject tract: (sq. ft.) 385,170.82

1	<u>03-0203-0944</u>	<u>GARDNER KIM</u>	<u>61,875.15</u>	<u>16.06%</u>
2	<u>03-0203-0903</u>	<u>LAYE MARY</u>	<u>17,670.92</u>	<u>4.59%</u>
3		<u>ELIZABETH</u>		<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
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18				<u>0.00%</u>
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21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:
Stacy Meeks

Total Area of Petitioner: 79,546.07 Total % 20.65%



	SUBJECT TRACT 	PETITIONS CASE #: C14-05-0139 ADDRESS: 0 IH 35 SOUTH SUBJECT AREA (acres): N/A	DATE: 05-12 INTLS: SM	CITY GRID REFERENCE NUMBER 'H19-20 & J19 -21
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S. SERWAITIS			

PETITION

Date: 1-11-06

Case Number: C14- _____ NP-05-0022.001

Address of Rezoning Request: 6 S. IH-35

TO: Austin City Council

We, the undersigned owners of property affected by the requested rezoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GO or GR-CO, Community Commercial, Conditional Overlay. Conditional Overlay subject to the following: Prohibit auto washing, auto sales, auto rental, exterminating services, drop-off recycling, pawn shops, bail bond services, commercial off-street parking, service station and any type of industrial uses as accessory uses; require a 10' vegetative buffer in the setbacks along both Woodland and IH-35 and limit access on Woodland Avenue to "right-in" and "left-out" only.

The development of the site is not suitable for any industrial use or any of the uses listed above due to the existing severe topographic constraints, critical environmental feature (CEF)/riparian woodlands and massive protected mature oak trees; the generation of increased traffic volume and introduction of commercial traffic (currently the street handles over 6,000 trips per day) to existing local neighborhood collector street (Woodland Avenue); introduction of spot zoning into the neighborhood, creating a precedent (industrial zoning); inadequate ingress/egress from subject property; introduction of industrial uses to a predominately residential neighborhood and lastly, the incompatibility of the proposed use with the existing residential neighborhood.

<u>Signature</u>	<u>Print Name</u>	<u>Address</u>
<u>Kim Gardner</u>	<u>Kim Gardner</u>	<u>1204 Woodland Ave. Austin</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PETITION

Date: 1-9-06

Case Number: ~~ET4~~ NP-05-0022.001

Address of Rezoning Request: Reagan Tract Sign Company

TO: Austin City Council

We, the undersigned owners of property affected by the requested rezoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GO or GR-CO, Community Commercial, Conditional Overlay. **Conditional Overlay subject to the following: Prohibit auto washing, auto sales, auto rental, exterminating services, drop-off recycling, pawn shops, bail bond services, commercial off-street parking, service station and any type of industrial uses as accessory uses; require a 10' vegetative buffer in the setbacks along both Woodland and IH-35 and limit access on Woodland Avenue to "right-in" and "left-out" only.**

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Signature

Print Name

Address

Mary Elizabeth Hays

Mary Elizabeth Hays

1601 Chelsea
